

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

2006 OCT 23 P 3:33

UNITED STATES OF AMERICA,

Plaintiff,

v.

KFORCE FLEXIBLE SOLUTIONS,  
LLC, Tampa, FL,

Garnishee,

ROBERT H. CLEMENTS,

Defendant.

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

MISC. NO. 2:06mc 3343-m  
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APPLICATION FOR WRIT OF GARNISHMENT

The United States of America makes application in accordance with 28 U.S.C. Section 3205(b)(1) to the Clerk of the United States District Court to issue a Writ of Garnishment upon the Judgment entered against the defendant, Robert H. Clements, in the above cited action in the amount of \$31,541.34, plus costs and interest. The last four digits of defendant's social security number is 3415, and the defendant's last known address is 4960D Paddock Club Circle, Montgomery, Alabama 36116. There is a balance due on the Judgment as of October 23, 2006 is \$28,420.09.

Demand for payment of the above-stated debt was made upon the debtor not less than 30 days from October 23, 2006, but defendant has failed to satisfy this debt.

The Garnishee is believed to owe or will owe money to the judgment debtor, or is in possession of property of the debtor, in which the debtor has a substantial non exempt interest.

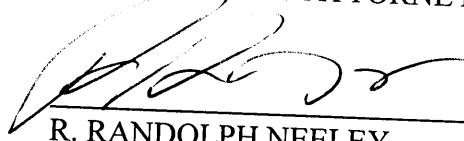
The name and address of the Garnishee or his authorized agent is:

KFORCE Flexible Solutions, LLC  
1001 East Palm Avenue  
Tampa, FL 33605

DATED: October 23, 2006

LEURA G. CANARY  
UNITED STATES ATTORNEY

BY:

A handwritten signature in black ink, appearing to read 'R. Neeley', is written over a horizontal line.

R. RANDOLPH NEELEY  
ASSISTANT UNITED STATES ATTORNEY  
BAR NO. 9083-E56R

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**Defendant.**

**Misc. No.**

## NOTICE OF GARNISHMENT AND INSTRUCTIONS TO DEBTOR

**YOU ARE HEREBY NOTIFIED** that a Garnishment was issued based upon a Judgment entered against you on January 22, 1992. The Garnishment was served on KFORCE Flexible Solutions, LLC, garnishee, and it is believed that the garnishee may have property of yours in its custody, possession or control.

**YOU ARE FURTHER NOTIFIED** that, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you file a written Objection to explain why you think these funds are exempt from execution under state or federal law and request a hearing, a Court Order will be entered attaching the funds or property and the funds or property will be applied against the Judgment owed the United States of America.

Any objection that you file to contest the Garnishment must be filed in the Office of the Clerk of the United States District Court, Middle District of Alabama, at One Church Street, or Post Office

Box 711, Montgomery, Alabama 36101. The Objection must state your reasons for believing that this property is not subject to attachment by the United States of America. A copy of the Objection or other pleadings must also be served on: (1) the United States Attorney for the Middle District of Alabama, One Court Square, Suite 201, or Post Office Box 197, Montgomery, Alabama 36101, and (2) KFORCE Flexible Solutions, LLC, 1001 East Palm Avenue, Tampa, FL 33605.

**YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.**

LEURA G. CANARY  
UNITED STATES ATTORNEY

BY: 

R. Randolph Neeley  
Assistant United States Attorney  
Bar No. 9083-E56R

Post Office Box 197  
Montgomery, Alabama 36101  
Office: (334) 223-7280  
Fax: (334) 223-7201

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TO: KFORCE Flexible Solutions, LLC  
1001 East Palm Avenue  
Tampa, FL 33605

INSTRUCTIONS TO THE GARNISHEE

Attached is a Writ of Garnishment requesting that you determine whether or not you have in your possession, custody, or control any of the property or funds of the debtor listed therein, or any other property of the debtor. Title 28, United States Code, Section 3205(c)(2)(E) requires that you file a written Answer within 10 days of your receipt of this Writ with the Court and serve a copy of the Answer upon the debtor and counsel for the United States. You are further required to withhold and retain any property or funds in which the debtor has a substantial non-exempt interest.

1. AMOUNT GARNISHED. The principal amount, rate of interest, starting date of interest and costs are set out in the Writ of Garnishment or Affidavit served upon you. The amount garnished consists of all of these.

2. AMOUNT WITHHELD. Under federal law, 15 U.S.C. Section 1673(a), you should withhold each pay period:

- (a) 25% of disposable earnings each week, or
- (b) the amount by which disposable earnings for the week exceeds thirty times the federal minimum hourly wage, whichever is less.

3. "DISPOSABLE EARNINGS" means that part of earnings remaining after deduction of any amount required by law to be withheld (such as amount of deductions for social security taxes and withholding taxes, but not court ordered alimony and child support payments which must be included in "disposable earnings"). 15 U.S.C. Section 1672(b); First National Bank v. Hasty, 415 F.Supp. 170 (E.D. Mich, 1976), affirmed 573 F.2d 1310 (6th Cir. 1977).

4. DISBURSEMENT OF WITHHELD AMOUNTS. Each pay period, amounts withheld should be remitted to the Office of the United States Attorney.

Mail Remittances to: U. S. Attorney's Office  
Attn: D. Aldridge  
Middle District of Alabama  
Post Office Box 197  
Montgomery, Alabama 36101

Your check or money order should be made payable to "U. S. Department of Justice." Indicate on each remittance the name of the case and the Court Number, so that proper credit will be given.

**IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR A REASONABLE ATTORNEY FEE IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.**

If you have any additional questions, please call Ms. Deloris Aldridge at (334) 223-7280, or write to: United States Attorney's Office, Financial Litigation Division, Post Office Box 197, Montgomery, Alabama 36101.